



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: FOTLAND et al
Serial No.: 09/299,388
Filed: April 27, 1999
For: METHOD AND APPARATUS FOR PRODUCING...
Group: 1619
Examiner: R. Bawa DOCKET: MICRODOSE 99.01
Assistant Commissioner of Patents
Washington, D.C. 20231

SUPPLEMENTAL PRIOR ART DISCLOSURE STATEMENT

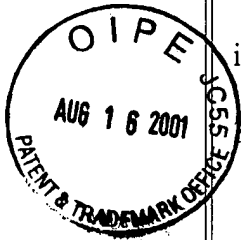
Dear Sir:

In satisfaction of Applicants' continuing duty to disclose, Applicants wish to bring to the attention of the USPTO various prior art references of which Applicants have become aware as a result of litigation with a competitor, Delsys Pharmaceutical Corporation. More particularly, Delsys has taken the position that practice of the technology described in the subject infringes one or more Delsys patents, and in particular US Patent Nos. 5,714,007 and 6,074,688. While it is believed the Delsys patent infringement charge is without basis, Applicants wish to bring to the attention of the US Examiner of the several Delsys patents which they have become aware, and various prior art references cited in the prosecution of the aforesaid several Delsys patents. The claims of the present application are believed to be patentably distinguished over all of these references.

This prior art disclosure statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the

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information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 CFR § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 USC § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record states the relevance to the pending U.S. patent application is that Applicants' Assignee has been charged with infringement of the '007 and the '688 patents, and the remaining are references that were cited in the prosecution of the '007 and '688 patents and/or uncovered during the course of the litigation.

US PTO Form 2038 in the amount of \$180.00 pursuant to 37 CFR 1.97 accompanies this Supplemental Prior Art Disclosure Statement. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our deposit account number 08-1391.

Respectfully submitted,

Norman P. Soloway
Attorney for Applicant
Registration No. 24,315

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 14, 2001 at Tucson, Arizona.

By: Kim Hood

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